

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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|-----------------------|---|-----------------------|
| GERALD ELWOOD, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. CIV-10-654-M |
| |) | |
| H.A. LEDEZMA, Warden, |) | |
| |) | |
| Respondent. |) | |

ORDER

On August 11, 2010, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. The Magistrate Judge recommended that the petition for writ of habeas corpus be dismissed without prejudice and that petitioner's motion to appoint counsel be denied. Petitioner was advised of his right to object to the Report and Recommendation by August 31, 2010. On August 24, 2010, petitioner filed his objection.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on August 11, 2010;
- (2) DISMISSES the petition for writ of habeas corpus without prejudice; and
- (3) DENIES petitioner's motion to appoint counsel [docket no. 3].

IT IS SO ORDERED this 27th day of August, 2010.



VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE